

REMARKS

Claim Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 34 and 35 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In response, and as suggested by the Examiner, Applicants amend claim 34 to incorporate the phrase “therapeutically effective amount” into that claim. Applicants respectfully submit that this amendment of claim 34 obviates the Examiner’s rejection of that claim and of claim 35 dependent therefrom. Accordingly, Applicants respectfully request that the Examiner withdraw her rejection of claims 34 and 35 under 35 U.S.C. § 112, second paragraph.

Claim Rejections under 35 U.S.C. § 112, First Paragraph

Claims 34 and 35 are rejected under 35 U.S.C. § 112, first paragraph for lacking antecedent basis in the specification as filed. Applicants respectfully traverse.

Applicants respectfully submit that the specification does indeed provide antecedent basis for claims 34 and 35. Specifically, and in accordance with the telephone conversation of January 25, 2005 between Applicants’ agent and the Examiner, Applicants respectfully point out that the last paragraph of page 6 of the application as filed clearly provides antecedent basis for claims 34 and 35. That paragraph of page 6 recites the following:

“Further, as is well known in the art, treatment using the methods of the invention can be carried out **in conjunction with the administration of antiemetics**, which are drugs that are used to reduce nausea and vomiting that are common side effects of cancer chemotherapy. Examples of such drugs include major tranquilizers (e.g., phenothiazines, such as chlorpromazine and prochlorperazine), dopamine antagonists (e.g., metoclopramide), serotonin antagonists (e.g., ondansetron and granisetron), cannabinoids (e.g., dronabinol), and benzodiazepine derivatives.” (Emphasis added).

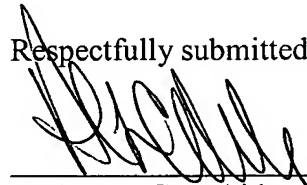
Accordingly, Applicants respectfully request that the Examiner withdraw her rejection of claims 34 and 35 under 35 U.S.C. § 112, first paragraph.

No new matter has been added.

Applicants respectfully submit the above amendments and arguments and respectfully request that the Examiner acknowledge patentability of pending claims 34 and 35. Applicants invite the Examiner to call their agent, Andrea L. C. Robidoux at (617) 248-5124,

Applicants respectfully submit the above amendments and arguments and respectfully request that the Examiner acknowledge patentability of pending claims 34 and 35. Applicants invite the Examiner to call their agent, Andrea L. C. Robidoux at (617) 248-5124, with any questions pertaining to the above-identified application in order to expedite prosecution of this case.

Respectfully submitted,



Andrea L. C. Robidoux, Reg. No. 47,902
Agent for Applicants

CHOATE, HALL & STEWART
PATENT GROUP
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
Dated: February 4, 2005